



CIVMAR BENEFITS UPDATE

DISABILITY RETIREMENT PROCESS OVERVIEW

Eligibility Requirements. To be eligible for disability retirement under the Civil Service Retirement System (CSRS) an employee must have at least five years of creditable civilian service and must be in a position covered by CSRS. To be eligible for disability retirement under the Federal Employees Retirement System (FERS) the employee must have at least eighteen months of civilian service creditable under FERS.

Disability Criteria. The following criteria must be documented before an employee can be approved for disability retirement benefits:

- a. **Service Deficiency.** There must be a deficiency in the employee's service with respect to performance, attendance or conduct. If there is not a service deficiency, information must show that the medical condition is incompatible with either useful service or retention in the position.
- b. **Medical Condition.** The employee must provide documentation of the medical condition. The employee's physician should provide a history of the medical condition, copies of lab reports, diagnosis of the employee's condition, and an estimate of the expected date of full or partial recovery or remission. The deficiency in service must be caused by the medical condition. The medical condition must be expected to last at least one year from the date the application for disability retirement has been filed.
- c. **Accommodation.** The agency must exhaust all reasonable efforts to alleviate any service deficiencies through accommodation.
- d. **Reassignment.** The agency must also review all vacant positions under its jurisdiction, at the same grade or pay level and tenure in the commuting area, to determine if the employee meets the minimum qualification standards for any vacant position.

The Office of Personnel Management (OPM) makes the decision regarding whether an application meets the disability criteria. Only OPM can make the decision to approve or deny an application.

Timeframe to Apply. An employee can apply for disability retirement at any time during employment or within one year of separation from employment. Current employees should submit the disability retirement application to the retirement specialist at the Military Sealift Fleet Support Command, Human Resources and Manpower Department (MSFSC N17). If the employee has been separated, they may submit the retirement application to MSFSC N17. The application must be received within one year of the employee's separation date in order to be considered timely filed.

Timeframe for Adjudication. It generally takes two to six months for OPM to adjudicate a disability retirement claim once all information has been received. The time required for adjudication, as well as, sick and annual leave balances should be considered when deciding if and when to apply for disability retirement.

Disability Retirement and Workers Compensation Benefits. Employees who qualify for both disability retirements under OPM and regular compensation benefits from the Office of Workers' Compensation Program (OWCP) must elect which of the two benefits they will receive. Employees who are approved for payments from OPM and OWCP cannot receive both payments for the same period of time. An employee who receives a "scheduled award" from OWCP may receive this benefit and a disability annuity at the same time. A "scheduled award" is usually paid when there is a disability resulting from the loss, or loss of use, of a function or member of the body (such as a hearing loss or the loss of an arm).

Many people think that since they are receiving benefits from OWCP, they do not need to apply for disability benefits. There are two advantages to also applying for disability retirement while still employed:

- a. To protect future benefits. If OWCP benefits are terminated in the future, the employee can elect to start receiving disability benefits from OPM if they have been previously approved by OPM. Employees should not wait until OWCP benefits are terminated to apply for disability retirement. Approval of a workers' compensation claim by OWCP does not automatically entitle an employee to a disability retirement from OPM. Employees should remember that they must meet the OPM requirement to file for disability retirement benefits within one year of separation from federal service. This is a requirement even if the employee has been receiving OWCP benefits.
- b. **To protect survivor benefits. If an employee dies from causes not directly related to the Workers' Compensation claim, survivors would not be entitled to OWCP benefits. If the employee was approved for disability benefits and elected to provide survivor benefits, eligible survivors can elect to receive annuity benefits from OPM.**

How to Apply for Disability Retirement. To apply for disability retirement employees should follow these steps:

- a. CSRS employees complete a SF-2801, Application for Immediate Retirement and FERS employees complete a SF 3107, Application for Immediate Retirement.
- b. Both CSRS and FERS employees complete the Applicant's Statement from the SF-3112, Documentation in Support of Disability Retirement. CSRS Offset and FERS employees must provide a receipt for application for social security disability benefits.
- c. Complete and sign the top of the Physician's Statement SF 3112C to authorize the doctor to release medical information. Give the form to the doctor to complete.

OPM will not pay for any medical examination or procedure needed to provide the necessary documentation.

If an employee needs copies of medical information that the physician will be mailing to the employee to include with his/her claim for disability retirement he/she will need to ask the doctor to provide copies. The MSFSC N17 is not authorized to release medical information to employees.

If a medical condition is related to a Workers' Compensation claim either on file or pending with OWCP, the employee will need to secure copies of any needed information from the compensation specialist at MSFSC N17.

- d. Return the Supervisor's Statement SF 3112B with your claim and it will be completed by MSFSC N17.
- e. Return all forms to the MSFSC N17 retirement specialist at:

Dept of the Navy
Military Sealift Fleet Support Command N17
Attention: Retirements
PO Box 120
Virginia Beach, VA 23458-0120

MSFSC N17 Forwards the Application to OPM. Once the retirement specialist receives the disability retirement application package, he/she will review it and will contact the employee to resolve any questions. The package will be sent to the MSFSC Payroll office. Payroll will attach preliminary pay information and will forward the package to OPM.

Duty Status During Application Process. During the time that an employee is applying for disability retirement he/she may continue to work if able and it has not been determined that they are permanently not fit for sea duty (PNFFD) or may use sick leave, annual leave, or leave without pay. Employees may also apply for donated leave under the Voluntary Leave Transfer Program. Leave or leave without pay requests must be submitted and approved by the employee's Marine Placement Specialist (MPS). The approval process is no different than any other request for leave.

If leave without pay is expected to exceed 30 days, the MPS should initiate a SF 52 LWOP, Request for Personnel Action. The leave without pay will be documented in the employee's Official Personnel Folder and will ensure the employee's entitlements to benefits for health and life insurance are expeditiously processed, if applicable.

Voluntary Leave Transfer Program. If the employee decides to apply for donated leave he/she should contact the Voluntary Leave Transfer Program coordinator at the MSFSC N17 for additional information. See below regarding the effect of the voluntary leave transfer program on the effective date of separation.

Disability Retirement and Voluntary Separation Incentive Pay (VSIP). An employee **CANNOT** receive a separation incentive if he/she is an applicant for disability retirement. If the employee is later approved for disability retirement after receiving a separation incentive, he/she must repay the entire amount to the agency. At this time MSFSC N1 is not a participant in the VSIP program.

Disability Retirement and Severance Pay. If an employee receives severance pay as the result of a Reduction-in-Force (RIF) and is later approved for disability retirement, he/she must repay the entire amount of the severance pay to the agency. Employees who are applying for disability retirement are not eligible to be registered in the Priority Placement Program (PPP). At this time MSFSC is not conducting a RIF.

OPM Action. OPM will notify both the employee and the agency once they make a decision regarding the application for disability retirement.

Date of Separation. If the disability retirement application is approved, the retirement specialist consults with the employee and the activity to determine the date of separation. If the employee is still working when the disability retirement is approved, the employee may either retire at the end of the pay period in which the

approval is received; or, if the employee still has sick leave available, he/she may elect to use all sick leave and retire at the expiration of the sick leave.

If the employee is in a leave without pay status, the retirement will be effective no later than the end of the pay period in which the approval is received. Annuity benefits will be retroactive to the date leave without pay began as if the employee had retired immediately with no leave without pay. If the employee has periods of donated leave that interrupt periods of leave without pay this will affect the annuity since retirement benefits are retroactive only to the last day of pay.

Reconsideration Rights For Disapproved Applications. If the disability retirement claim is disapproved, OPM will provide information concerning the employee's right to request reconsideration of the decision. They will also give detailed information regarding why the claim was disapproved and what additional information may be needed. An employee, who elects to request reconsideration, provides information directly to OPM and not MSFSC N1.

Benefits and Pay. When the retirement specialist receives notification of the approval of a disability retirement application, he/she will immediately notify OPM concerning the employee's last day of pay and will contact the employee to finalize the retirement. Health benefits and life insurance will be transferred to OPM. CSRS Offset and FERS employees must provide any additional information from the Social Security Administration on the payment or nonpayment of social security benefits in order for OPM to finalize their annuity payments.

OPM will work as quickly as possible to put the employee in a pay status, but the employee should allow approximately six to eight weeks to receive the first retirement check. Also, the first check may not be a full check since OPM will be waiting for benefits information and final pay records before the claim can be finalized. When the claim is finalized, OPM will notify the employee and will make any necessary adjustments to the employee's retirement pay.

Questions Regarding This Bulletin. Additional information about the subject of this bulletin is available at the MSC web site at <http://www.msc.navy.mil/msfsc/>

If you have any questions about this bulletin, call the Customer Support Center at (800) 793-5784 between 8:00 a.m. and 8:00 p.m. Eastern time, Monday through Friday, excluding holidays. You may also send your email questions to civmar@marinersupport.com.